

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DANNY EVERS, :  
 :  
Plaintiff, : Case No. 3:05cv119  
 :  
vs. : JUDGE WALTER HERBERT RICE  
 :  
COMMISSIONER OF SOCIAL SECURITY, :  
 :  
Defendant. :

---

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS  
OF UNITED STATES MAGISTRATE JUDGE (DOC. #22); DEFENDANT'S  
MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO  
FED. R. CIV. P. 59(e) (DOC. #21) SUSTAINED; COURT'S JUDGMENT OF  
MARCH 27, 2006, AMENDED TO REFLECT PLAINTIFF'S LAST INSURED  
DATE OF JUNE 30, 1999, RATHER THAN SEPTEMBER 30, 1999;  
TERMINATION ENTRY

---

Based upon the reasoning, citations of authority and reference to the record,  
set forth by the United States Magistrate Judge in his Report and Recommendations  
(Doc. #22) filed June 1, 2006, as well as upon a thorough consideration of this  
Court's file, said Report and Recommendations are adopted in their entirety.  
Accordingly, the Defendant's Motion to Alter or Amend (Doc. #21) this Court's  
Judgment of March 27, 2006, is sustained, in the sole respect of amending the  
Plaintiff's last insured date from September 30, 1999, to June 30, 1999. In all  
other respects, this Court's Judgment of March 27, 2006, remains undisturbed.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

February 11, 2008

/s/ Walter Herbert Rice

WALTER HERBERT RICE, JUDGE  
UNITED STATES DISTRICT COURT

Copies to:

Donald Scott, Esq.

John J. Stark, Esq.

Kathryn A. Beverly, Esq.